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C O N F I D E N T I A L SECTION 01 OF 02 KHARTOUM 000770

SIPDIS

DEPARTMENT FOR D, AF A/S FRAZER, AF/SPG, SE WILLIAMSON, NSC
FOR BPITTMAN AND HUDSON

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TAGS: [KPKO](#) [MOPS](#) [PGOV](#) [PHUM](#) [PREF](#) [PREL](#) [EAID](#) [SU](#)
SUBJECT: HIGHLIGHTING ABYEI IN US-SUDAN BILATERAL
DISCUSSIONS

REF: A. KHARTOUM 762
[1](#)B. KHARTOUM 745
[1](#)C. KHARTOUM 737
[1](#)D. KHARTOUM 529
[1](#)E. KHARTOUM 524
[1](#)F. KHARTOUM 508
[1](#)G. KHARTOUM 507
[1](#)H. KHARTOUM 313

Classified By: CDA Alberto M. Fernandez, reason 1.4 (b) and (d).

[1](#)1. This is an action message. Please see para 6.

[1](#)2. (C) Fighting between the Sudanese Armed Forces (SAF) and their tribal surrogates and the Sudan People's Liberation Army (SPLA) and their proxies over the disputed oil-rich area of Abyei claimed more lives and displaced more people this week than fighting in Darfur over the past two months. This fighting and the tortuous and acrimonious negotiation between the two parties in lieu of full implementation of the Abyei Protocol of the 2005 Comprehensive Peace Agreement (CPA) threatens to re-ignite the North-South conflict which will certainly lead to a worsening political and humanitarian situation across Sudan, including Darfur, and could conceivably drag in several of Sudan's neighbors into a wider conflict.

[1](#)3. (C) With high-level US discussions set to resume with the Sudanese regime, it is imperative that Abyei be near the top of that agenda for discussion. Abyei can not only affect the future of the CPA but will also drag Darfur into it as the NCP and SPLM look for allies in a potential confrontation. Previous discussion and non-papers with the Sudanese focused on three points regarding Abyei: the need for an interim administration, a call for UNMIS to patrol unhindered, and a willingness from the U.S. to engage further should both parties wish it. These are still sound steps but clearly not enough with a worsening humanitarian crisis and hardening of polarized positions on both sides - our previous suggestions are Band-Aids on a festering wound - when what is needed is for the NCP and SPLM to come to a mutually acceptable compromise cleaving as closely as possible to the Abyei Protocol and to do so as soon as possible without the possibility of the issue dragging on interminably as it has now for three years.

[1](#)4. (C) Abyei is "America's protocol" as it was proposed as a compromise by then Special Envoy Jim Danforth to ensure the signing of the peace accord ending the longest running civil war in Africa. It is the only one of the CPA's protocols which has not been implemented at all. The Abyei Boundary Commission's recommendation was summarily rejected by President Al-Bashir in August 2005 as "exceeding its mandate." Even if the United States wanted to, we cannot walk away from Abyei because the SPLM will not do so. At some

point, their patience will be exhausted and then they will try the one card they have not openly used in Abyei - military escalation (in violation of the CPA, in an area technically in "North" Sudan). To date, the CPA has frayed but not broken and this step would be a fateful one. Both the NCP and SPLM are courting the Misseriyya Arabs to join in on their side in this struggle for land, oil and political power. Darfur rebel groups like JEM, which launched a bold attack on the Khartoum suburb of Omdurman, also look to spread their influence to the Misseriyya and across Kordofan. The SPLM will also walk away from bilateral discussions with the U.S. and NCP, sooner or later, if Abyei is not addressed.

¶5. (C) Along with Chad, UNAMID deployment, IDPs, and humanitarian access, Abyei is an issue that must be seriously addressed in the next round of US-Sudanese discussions. As the February 2008 US non-paper noted in its introduction, "Sudan is looked at holistically, you cannot have an improvement in the situation in Darfur with a deterioration in Abyei." This is exactly where the inertia of past discussions will take us if we allow it.

¶6. (C) The United States must clearly put down as a marker in the next round that without a real solution to Abyei there cannot be a tangible, sustained improvement in bilateral relations. Such a solution would have the following elements:

-- An interim administration to be set up per the CPA within a specific timeframe.

-- Unfettered UNMIS patrolling in the greater Abyei area.

KHARTOUM 00000770 002 OF 002

-- A commitment by both sides to avoid incitement.

-- The SAF 31st Brigade should be moved out of the cantonment it currently occupies in a girls' school in the center of Abyei town.

-- Agreement to release oil revenues intended for the Misseriyya and Ngok Dinka, per the Abyei protocol.

-- Agreement on interim Abyei borders between the SPLM and NCP within 30 days of US-Sudanese discussion on this matter during the next visit of the Special Envoy to Sudan.

-- If no agreement after 30 days, this decision should be arbitrated by the United States with the decision binding on both parties.

¶7. (C) Given the regime's fragile state after a Darfuri rebel raid that almost reached across the Nile to Khartoum, now is the best time to forcefully and clearly make such a gambit. The Sudanese have been expecting it and while it would be comforting to keep saying "just wait for the parties to solve it," we just do not have that luxury anymore, if we ever did. While many procedural issues cry out for American attention, this is a substantive challenge that must be addressed. The Sudanese regime, the NCP in particular, while naturally treacherous and suspicious, is also eager for a real dialogue with the U.S. that leads to a tangible improvement in relations. Just like accelerated and expanded UNAMID deployment, Abyei needs to be part of our price for considering such a relationship.

FERNANDEZ